

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,

Plaintiff

v.

2:06-CV-72 DF

WELLS FARGO & COMPANY; WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION; BANK OF AMERICA CORPORATION; BANK OF AMERICA, NATIONAL ASSOCIATION; U.S. BANCORP; U.S. BANK, NATIONAL ASSOCIATION; WACHOVIA CORPORATION; WACHOVIA BANK, NATIONAL ASSOCIATION; SUNTRUST BANKS, INC.; SUNTRUST BANK; BB&T CORPORATION; BRANCH BANKING AND TRUST COMPANY; BANCORPSOUTH, INC.; BANCORPSOUTH BANK; COMPASS BANCSHARES, INC.; COMPASS BANK; CULLEN/FROST BANKERS, INC.; THE FROST NATIONAL BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK, NATIONAL ASSOCIATION; HSBC NORTH AMERICA HOLDINGS INC.; HSBC BANK USA, N.A.; HARRIS BANKCORP, INC.; HARRIS N.A.; NATIONAL CITY CORPORATION; NATIONAL CITY BANK; ZIONS BANCORPORATION; ZIONS FIRST NATIONAL BANK; BANK OF NEW YORK CO., INC.; THE BANK OF NEW YORK; UNIONBANCAL CORPORATION; UNION BANK OF CALIFORNIA, NATIONAL ASSOCIATION; BANK OF TOKYO-MITSUBISHI UFJ, LTD.; CITIZENS FINANCIAL GROUP, INC.

CITY NATIONAL CORPORATION;
CITY NATIONAL BANK; COMERICA
INCORPORATED; COMERICA BANK &
TRUST, NATIONAL ASSOCIATION;
DEUTSCHE BANK TRUST COMPANY
AMERICAS; FIRST CITIZENS
BANCSHARES, INC.; FIRST CITIZENS
BANK & TRUST COMPANY;
KEYCORP; KEYBANK NATIONAL
ASSOCIATION; LASALLE BANK
CORPORATION; LASALLE BANK NA;
M&T BANK CORPORATION; M&T
BANK; THE PNC FINANCIAL
SERVICES GROUP, INC.; PNC BANK,
NATIONAL ASSOCIATION
UBS AMERICAS, INC.; SMALL VALUE
PAYMENTS COMPANY, LLC; THE
CLEARING HOUSE PAYMENTS
COMPANY, LLC; MAGTEK, INC; FIRST
DATA CORPORATION; TELECHECK
SERVICES, INC., REMITCO, LLC; and
ELECTRONIC DATA SYSTEMS CORP.

Defendants.

DEFENDANTS' NOTICE OF DECISION NOT TO SIGN STIPULATION

Defendants, BB&T Corporation, Branch Banking and Trust Company, Comerica Inc.,
Comerica Bank & Trust National Association, M&T Bank Corporation, M&T Bank, Bank of
New York Co., Inc., The Bank of New York, Unionbancal Corporation, Union Bank of
California, N.A., First Data Corporation, Telecheck Services, Inc., Remitco, LLC, Lasalle Bank
Corporation, Lasalle Bank N.A., Deutsche Bank Trust Company Americas, Bank of Tokyo-
Mitsubishi UFJ, Ltd., UBS Americas, Inc., Cullen Frost Bankers, Inc., The Frost National Bank,
The Clearinghouse Payments Co., L.L.C., HSBC Bank USA, N.A., National City Bank, National
City Corporation, U.S. Bancorp, U.S. Bank, N.A., Viewpointe Archive Services LLC,

Bancorpsouth, Inc., and Bancorpsouth Bank respectfully notify this Court of their decision not to execute the stipulation proposed in this Court's October 25, 2006 Order (Dkt. No. 326) on the pending Motions to Sever and Stay the Claims relating to the Ballard Patents.

Respectfully submitted this 3rd day of November, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I caused to be served the foregoing Defendants' Notice of Decision not to Sign Stipulation on Plaintiff's counsel of record by electronic mail via the Court's CM/ECF system, pursuant to Local Court Rule 5, addressed as follows:

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This 3rd day of November, 2006.

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